## UNITED STATES DISTRICT COURT DISTRICT OF CONNECTICUT

UNITED STATES OF AMERICA :

V. : DOCKET NO. 3:06CR120(SRU)

ROBINDRANATH PERSAD : JUNE 22, 2006

## DEFENDANT'S MOTION FOR A BILL OF PARTICULARS AND

## MEMORANDUM IN SUPPORT THEREOF

ROBINDRANATH PERSAD, a Defendant in the above entitled case, moves the court, pursuant to the provisions of Rule 7(f) of the Federal Rules of Criminal Procedure, for an order directing the United States to furnish him with a Bill of Particulars with

respect to the following matters alleged in the indictment in this case, as follows:

- 1. State the place or places where the conspiracy alleged in the indictment was initially formed, and the place or places where each Defendant and co-conspirator presently known to the government joined the alleged conspiracy.
- 2. State the date or dates and the time or times when each Defendant and each coconspirator presently known to the Government joined or entered into the alleged conspiracy.
- 3. State the period or periods during which each Defendant and each coconspirator joined the alleged conspiracy, and state the time during which each Defendant or co-conspirator remained in the alleged conspiracy.
- 4. 4. With respect to each Defendant and co-conspirator, state each and every overt act which the government claims was committed in furtherance of the alleged conspiracy, concerning which the government intends to offer evidence at trial, and with respect to each such over act state:
  - A. Which Defendant or Defendants committed the act;
  - B. Which Defendant or Defendants were present at the time of the commission of the act;
  - C. The location, including address, where each such act was committed;
- 1. 5. State the names and addresses of all co-conspirators whose names are presently known to the government but who are not named in the indictment.

- 2. 6. State the names and addresses of all other persons who in any way participated in the alleged conspiracy, and all other persons present at the time or times any of the Defendants or co-conspirators joined the alleged conspiracy.
- 3. 7. State whether any Defendant or co-conspirator was acting on behalf of the United States at any time during the period of the allegedly conspiracy.
- 4. 8. State whether any Defendant or co-conspirator has furnished information to either the United States, or to any state or local law enforcement agency, with respect to the alleged conspiracy.

This Motion for a Bill of Particulars is made on the grounds that this information is necessary to inform the Defendant of the charge against him with sufficient particularity to enable him to prepare his defense, to avoid and minimize the danger of surprise at trial, and to enable him to plead his acquittal or conviction in bar of further prosecution for the same offense. Here, since the Government has chosen to plead a common-law conspiracy under 21

U.S.C. §846, and has not alleged any overt acts in the indictment, all the Defendant has before him is a broad, unspecific indictment containing no details whatsoever. Under these

circumstances, the filing of a bill of particulars should be required because "...the charges of

(the) indictment are so general that they do not advise the Defendant of the specific acts of which he is accused." United States v. Leonelli, 428 F. Supp. 880, 882 (S.D.N.Y. 1977). The indictment here is less specific that the indictment in United States v. Ramirez, 602 F. Supp

783 (S.D.N.Y. 1985), yet in Ramirez, the court noted, inter alia, that "None of the overt act allegations mentions (the moving party); he is mentioned only as one of ten co-conspirators

charged with violations of 21 U.S.C. §846... This is not enough information for (the

Defendant) to prepare a defense." Ramirez, supra, at 793, ordered the Government to file

a bill of particulars, closely analogous to the bill of particulars which the Defendant seeks

here.

In the present indictment the charges are so general that the Defendant does not

know the specific acts that he is accused of. See United States v. White, 753 F. Supp. 432

(D. Conn. 1990); United States v. Facciolo, 753 F. Supp. 449 (S.D.N.Y. 1990). Counsel

for the Defendant has contacted the government pursuant to the Local Rules of Criminal

Procedure in an attempt to resolve the issues raised in this motion but has been unable to

do so.

For all the foregoing reasons, therefore, the

court should order the Government to file a

Bill of Particular.

RESPECTFULLY SUBMITTED,

THE

DEFENDANT,

By,\_

Donald J. Cretella, Esq. 1187 Broad Street

Bridgeport, CT 06604

Tel: 203-367-04422

Fax: 203-367-0493 Federal Bar No. CT22055

Email: dicretella@cox.net

**CERTIFICATION** 

This is to certify that a copy of the foregoing has been mailed to all counsel and pro se parties of record as follows:

AUSA Gordon Hall Office of the U.S. Attorney 157 Church Street, 23<sup>rd</sup> Floor New Haven, CT 06510

AUSA Kevin O'Connor Office of the U.S. Attorney 157 Church Street, 23<sup>rd</sup> Floor New Haven, CT 06510

Robert Gulash, Esq. BOX 9118 350 Fairfield Ave. Bridgeport, CT 06601

Francis O'Reilly, Esq. 87 Ruane Street Fairfield, CT 06430

Frank Riccio II 923 East Main Street Bridgeport, CT 06601

Peter Schaffer, Esq. 1127 High Ridge Rd. PMB #330 Stamford, CT 06905

Alexander Schwartz, Esq. 3695 Post Road, PO Box 701 Southport, CT 06490

Robert Golger, Esq. One Post Road, PO Box 320019 Fairfield, CT 06825

Bruce Koffsky, Esq. 1200 Summer Street, Suite 210B Stamford, CT 06905

Michael Moscowitz, Esq. 7 Elm Street New Haven, CT 06510

Robert Lacobelle, Esq. 799 Silver Lane Trumbull, CT 06611

Peter Schaffer, Esq. 1127 High Ridge Road Stamford, CT 06905

Todd Allen Bussert, Esq. 103 Whitney Ave, Ste 4 New Haven, CT 06510

Elliott R. Warren, Esq. 87 Ruane Street Fairfield, CT 06430

Robert Berke, Esq. 1187 Broad Street Bridgeport, CT 06604

Wayne Keeney, Esq. 1187 Broad Street Bridgeport, CT 06604

Lawrence Hopkins, Esq. 383 Orange Street New Haven, CT 06511

Stephen Goldberg, Esq. 233 Broadway, 5<sup>th</sup> Floor New York, NY 10279

Donald J. Cretella, Jr.